

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779

Chapter 7

Dennis E. Hecker,

Debtor.

**NOTICE OF EXPEDITED HEARING AND MOTION AUTHORIZING
ORDER FOR RULE 2004 EXAMINATION**

TO: ENTITIES SPECIFIED IN LOCAL RULE 9013-3

1. Randall L. Seaver, the Chapter 7 Trustee of the above-captioned bankruptcy estate ("**Trustee**"), applies to the court for authorization to conduct Bankruptcy Rule 2004 examinations. The examination for which authorization is sought is of 21st Century Bank.

2. The Court will hold a hearing on this motion at 1:30 p.m. on July 22, 2010, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. As this Motion is brought on an expedited basis, any response to this Motion must be filed and served by delivery as soon as possible and suggestion is made that a response should be filed at least twenty-four (24) hours prior to the hearing. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This case was commenced by the filing of a voluntary petition under Chapter 7 on June 4, 2009. The case is currently pending in this Court. This court has jurisdiction over this application pursuant to 28 U.S.C. §157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004. This Application is filed under Local Rule 2004-1(a).

5. The entity for which Rule 2004 examination authority is sought is as follows:

(a) 21st Century Bank – In June 2010, Debtor is believed to have deposited a \$30,000.00 check with 21st Century Bank. The check is believed to have been an insurance refund which was properly property of the estate. The Debtor then drafted checks on this account. However, the bank closed the account and stopped payment on the checks. The \$30,000.00 was refunded to Debtor in cash. On July 19, 2010, Debtor, through his counsel, tendered \$30,000.00 to the Trustee.

6. Expedited relief is required so that the Trustee can act on leads generated by 21 Century Bank records, before the Debtor, again, tries to secrete property of the estate.

7. The Trustee needs to obtain information from 21st Century Bank so that he can determine the assets of this bankruptcy estate and administer the estate.

WHEREFORE, the Trustee requests that the court enter an order approving the Trustee's examination, pursuant to Bankruptcy Rule 2004, of 21st Century Bank.

**LEONARD, O'BRIEN, SPENCER,
GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: July 20, 2010

By: _____

Matthew R. Burton
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing Notice of Hearing and Motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on July 20, 2010

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

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Chapter 7

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UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2010, I caused the following documents:

***Notice of Expedited Hearing and Motion for Order Authorizing Rule 2004
Examinations and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

21st Century Bank
Attn: Officer/Managing Agent
17 Washington Avenue N
Minneapolis, MN 55401

Michael B. Lubic
Sonnenschein Nath & Rosenthal LLP
10100 Santa Monica Blvd 7th Floor
Los Angeles, CA 90067

Dennis E. Hecker
1615 Northridge Drive
Medina, MN 55391

Michael W. Malter
Binder & Malter LLP
2775 Park Avenue
Santa Clara, CA 95050

/e/ Stephanie Wood

Dated: July 20, 2010

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

**UNITED STATES BANKRUPTCY COURT
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In re:

BKY No. 09-50779
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ORDER FOR RULE 2004 EXAMINATIONS

This case is before the court on the motion of Randall L. Seaver, the trustee seeking authorization to conduct the examination of 21st Century Bank pursuant to Bankruptcy Rule 2004(a) and Local Rule 2004-1(a).

It is ordered:

- (1) The trustee's request for expedited relief is granted.
- (2) The trustee's application for authorization to conduct a 2004 examination of 21st Century Bank is granted.